PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

MINUTES

NOVEMBER 14, 2006

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday**, **November 14**, **2006 at 3:23 p.m.**, **in Committee Room #1**. The following members were present:

The Honorable Cleta Winslow, Chair The Honorable C. T. Martin, Vice-Chair The Honorable Anne Fauver The Honorable Carla Smith

The following members were absent:

The Honorable Joyce Sheperd
The Honorable Ivory L. Young, Jr.
The Honorable H. Lamar Willis

Others present at the meeting were: Councilmember Howard Shook, Jerry DeLoach and Dianne Mitchell, Law Department; Raines Carter, City Solicitor; Greg Pridgeon, Mayor's Office; the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:23 p.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF AGENDA ADOPTED
- B. APPROVAL OF MINUTES APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

O6-R-2426 (1) Claim of <u>Howard and Manie Baugh</u> for property damages alleged to have been sustained during back-yard trash services from 1999 through June 2003 at 777 Shorter Terrace, NW. <u>\$3,000.00</u>

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Two

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- O6-R-2427 (2) Claim of <u>Stephanie Davis</u>, for damages alleged to have been sustained when a water line was ruptured due to a water main break January 24, 2006 at 1043 Maryland Avenue, NE. <u>\$1,800.00</u>
- O6-R-2428 (3) Claim of <u>Willie Mae Dunn</u>, for vehicular damages alleged to have been sustained from an automobile incident on August 7, 2006 at 2100 Forest Park Road. <u>\$1.407.86</u>
- O6-R-2429 (4) Claim of <u>Steven H. Austin, through his attorney, Franklin R. Evans</u>, for damages alleged to have been sustained as a result of an automobile accident on May 7, 2006 at Cheshire Bridge Road, NE and Piedmont. <u>\$4,500.00</u>
- O6-R-2430 (5) Claim of **BellSouth**, for vehicle damages alleged to have been sustained as a result of a severed pair cable on October 11, 2005 at 3021 Piedmont Road. **\$2,998.09**
- 06-R-2431 (6) Claim of <u>Michelinea Thomas</u>, for vehicular damages alleged to have been sustained from an automobile accident on May 20, 2006 at 675 Ponce de Leon Avenue, NE. <u>\$1,472.84</u>
- O6-R-2432 (7) Claim of <u>Joyce Diane McKinney</u>, for damages alleged to have been sustained as a result of a vehicular accident on August 22, 2006 at the intersection of Winton Terrace NE and Glen Iris Drive, NE. <u>\$1.882.19</u>
- O6-R-2437 (8) Claim of **Mr. & Mrs. David Farabaugh**, for damages alleged to have been sustained from a combined sanitary and storm water overflow on July 6, 2005 at 936 Austin Avenue. **\$1,075.00**

Claims with unfavorable recommendations:

O6-R-2433 (9) Claim of **Betterway Leasing**, **LLC**, for damages alleged to have been sustained as a result of a vehicular incident on February 13, 2006 at 675 Ponce de Leon Avenue.

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Three

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- O6-R-2434 (10) Claim of **Scott Callaway**, for property damages alleged to have been sustained when tree roots were damaged due to a storm sewer excavation project in February 2000 at 765 Greenview Avenue.
- O6-R-2435 (11) Claim of Michael Simmons, as Administrator of the Estate of Glen Mitchell, through his attorney, Lamonte E. Scott, for damages alleged to have been sustained as a result of a vehicular accident of February 20, 2006 at the intersection of Martin Luther King, Jr. Drive and Central Avenue.
- O6-R-2436 (12) Claim of <u>State Farm Mutual Automobile Insurance</u>

 <u>Company, through its attorney's office, Morgan & Pottinger</u>, for damages alleged to have been sustained as a result of an automobile accident on March 9, 2005 at 830 West View Drive.
- 06-R-2438 (13) Claim of **Leslie M. Milinkovic**, for damages alleged to have been sustained during the installation of a sidewalk on May 31, 2006 on Peachtree Dunwoody Road.
- O6-R-2439 (14) Claim of <u>Camp Creek Investment Venture Limited</u>, <u>through its attorney</u>, <u>Stewart Teague</u>, <u>Esq.</u>, <u>Brockman & Teague</u>, <u>LLC</u>, for property damages alleged to have been sustained from storm water overflow on a continuous basis at 3200 Stone Road, SW.
- 06-R-2440 (15) Claim of <u>Tara Taylor</u>, for property damages alleged to have been sustained from driving over a defective sanitary sewer on September 11, 2005 at 912 West Moreland Circle.
- O6-R-2441 (16) Claim of **Patricia Tauber**, for damages alleged to have been sustained as a result of a rock thrown from a City vehicle on April 15, 2005 at Interstate 75 North at 216 exit.

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Four

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- O6-R-2442 (17) Claim of <u>Habersham Manor Condominium Board of</u>

 <u>Directors c/o W. Frank Ward</u>, for damages alleged to have been sustained as a result of a sewer back-up on March 21, 2005 at 3576 Roswell Road, NW.
- 06-R-2443 (18) Claim of **BellSouth**, for damages alleged to have been sustained during a water meter installation on February 16, 2006 at 101 Prestmoor Court.
- 06-R-2444 (19) Claim of <u>BellSouth</u>, for damages alleged to have been sustained during a water meter installation on February 16, 2006 at 101 Prestmoor Court.
- 06-R-2445 (20) Claim of **Paul Ezimora**, for damages alleged to have been sustained as a result of a water meter malfunction on January 1, 2004 at 5672 Feldwood Road.
- O6-R-2446 (21) Claim of **Shirley A. Williams**, for damages alleged to have been sustained due to the shutting off of and turning on of the water main on October 27, 2005 at 1680 Ryland Trail, SW.
- O6-R-2447 (22) Claim of Rosemary Lamb, as Administrator of the Estate of John E. Lamb, deceased, through her attorney, Richard W. Hendrix, Esq., Finch McCraine, LLP, for damages alleged to have been sustained when the claimant's son was fatally injured after a bicycle incident on February 15, 2006 at Peachtree Road, NE and Peachtree Battle Avenue, NE.
- O6-R-2448 (23) Claim of <u>Robert J. Harper, through his attorney, Mary J. Huber</u>, for damages alleged to have been sustained as a result of expenses of litigation and attorneys fees on September 5, 2006.

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Five

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- O6-R-2450 (24) Claim of <u>Fulton County District Attorney</u>, through his <u>attorney</u>, <u>Willie J. Lovett</u>, <u>Jr.</u>, for damages alleged to have been sustained as a result of not properly distributing monies to fund the Fulton County Victim Assistance Program.
- O6-R-2451 (25) Claim of Early Bursey, through his attorney, John Slater, The Barnes Law Group, for damages alleged to have been sustained as a result of personal injuries on August 5, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- O6-R-2452 (26) Claim of **Darlene Albert**, for damages alleged to have been sustained as a result of a slip and fall on June 16, 2006 at 395 Piedmont Avenue, NE.
- O6-R-2453 (27) Claim of Joan Eckweiler and Tom Eckweiler, through their attorney, David E. Leach, Esq., Cramer, Smith & Leach, P. C., for bodily injuries alleged to have been sustained from a fall while riding the train on April 1, 2006 at 6000 North Terminal Parkway.
- O6-R-2454 (28) Claim of **Chante' Wyatt**, for damages alleged to have been sustained as a result of a sewer backup on June 26, 2006 at 720 Parson Street.
- 06-R-2455 (29) Claim of <u>Marcus Dixon</u>, for damages alleged to have been sustained as a result of a sewer backup on June 26, 2006 at 720 Parson Street.
- O6-R-2456 (30) Claim of Sharps & Associates, PSC, on behalf of American Modern Home Insurance Company, as subrogee of insured, Joseph Schlais, for damages alleged to have been sustained when personal equipment was stolen on July 6, 2006 at 3400 Stratford Road, NE.
- 06-R-2457 (31) Claim of **A. Summey Orr, III**, for damages alleged to have been sustained during the installation of a sidewalk on May 14, 2006 on Peachtree Dunwoody Road.

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Six

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- O6-R-2458 (32) Claim of **Annette Stembridge**, for damages alleged to have been sustained as a result of her trash can being destroyed during a sanitation pick-up on September 11, 2006 at 797 Plainville Terrace.
- O6-R-2459 (33) Claim of <u>Claude W. Biddy, Jr., through his attorney,</u>
 <u>Dustin S. Taps</u>, for damages alleged to have been sustained as a result of an automobile accident on December 31, 2005 at West Marietta Boulevard and Marietta Street.
- O6-R-2460 (34) Claim of <u>Richard Holmes, through his attorney, Linley</u>

 <u>Jones</u>, for damages alleged to have been sustained as a result of civil rights violations on January 25, 2006 at 303 Peachtree Center Avenue.
- O6-R-2461 (35) Claim of **Barbara A. Jackson**, for damages alleged to have been sustained as a result of a slip and fall incident on a water meter lid on July 2, 2006 at 2254 Cascade Road. (Councilmember Smith made a motion to approve items C1-C35)

FAVORABLE

REGULAR

D. PUBLIC HEARINGS - ORDINANCES FOR SECOND READING

Councilmember Jim Maddox 06-0-0204 (1) Ordinance bv An substituted #2 by Public Safety and Legal Administration Committee to amend Article XXIV, Sections 30-1461, 30-1464, 30-1483, 30-1484 and 30-1485 of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to add the term "Site Plan" to the definitions Section; to add additional vending restrictions and prohibitions; to shorten the period of time during which vendors may operate at a location; to create a new section 30-1488 to be entitled "Aesthetic Standards"; to waive conflicting Ordinances; and for other purposes.

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Seven

PUBLIC HEARINGS (CONT'D)

(Held 1/10/06 for further review) (Work session held 2/22/06) (Substituted and held 10/10/06 at the request of the author for further review by the Staff and the Law Department.) (Substituted and held 10/31/06 for a Public Hearing 11/14/06 at 3:00 p.m.) (Councilmember Winslow made a motion hold)

HELD

06-0-2245 (2)

An Ordinance by Councilmembers Jim Maddox and Kwanza Hall as substituted by Public Safety and Legal Administration Committee to amend Chapter 150 of the Code of Ordinances of the City of Atlanta by creating a new Section 150-69 pertaining to mobile telephone usage while operating a motor vehicle; and for other purposes. (Held 10/10/06 at the request of the authors for further review by the Law Department.) (Substituted and held 10/31/06 for a Public Hearing 11/14/06 at 3:00 p.m.) (Councilmember Winslow made a motion hold)

HELD

E. ORDINANCES FOR SECOND READING

06-O-2315 (1)

An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Corrections ("Corrections"), by adding to anticipations and appropriations in the amount of \$98,723.00 for grant funds from the U.S. Department of Justice ("DOJ") for the purpose of continuing the "Women for Women" Program at the Atlanta City Detention Center; and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Eight

ORDINANCES FOR SECOND READING (CONT'D)

06-0-2472 (2)

An Ordinance by Councilmember Howard Shook to amend Chapter 10, Article I, Section 10-1 of the City of Atlanta Code of Ordinances to create the definition of City Food Market and to amend Section 10-88.1 of the City of Atlanta Code of Ordinances so as to create distance requirements for the sale of beer and or/wine from city food markets; and for other purposes.

(Councilmember Winslow made a motion hold)

HELD

06-0-2484 (3)

An Ordinance by Councilmembers Kwanza Hall and Ceasar C. Mitchell to waive the requirements of Chapter 110, Article III, Division 1, Section 110-60(a) of the City of Atlanta Code of Ordinances related to the closing time of City Parks for the limited purpose of allowing Woodruff Park to remain open after 11:00 p.m. on December 31, 2006, until 1:00 a.m. on January 1, 2007; to set forth additional regulations related thereto; and for other purposes.

(Councilmember Winslow made a motion hold)

HELD

F. RESOLUTION

06-R-2425 (1)

A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to enter into a settlement with a condemnee in the matter of <u>The City of Atlanta vs. Vickie B. Jackson</u>, Civil Action File No. 2005-CV-108929, in the Superior Court of Fulton County, Georgia, in an amount not to exceed \$230,000.00. All payments to be paid from Fund, Account and Center Number: 2J28 571001 Q38I02669999; and for other purposes.

(Councilmember Smith made a motion to approve.)

FAVORABLE

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Nine

G. PAPERS HELD IN COMMITTEE

- O6-R-0433 (1) Claim of <u>Robert Colgin</u>, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. (Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)
- O6-R-0633 (2) Claim of <u>Gregory V. Burson</u>, Jr., for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. (Held 3/14/06 for further investigation at the request of Councilmember Smith)
- O6-O-1044 (3) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. (Held 5/9/06 at the request of Councilmember Martin)
- O6-O-1045 (4) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes. (Held 5/9/06 at the request of Councilmember Martin)
- O6-O-1142 (5) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. (Held 6/13/06 for further review)

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Ten

PAPERS HELD IN COMMITTEE (CONT'D)

- O6-O-1601 (6) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. (Held 8/15/06 for further review.)
- O6-R-1719 (7) Claim of <u>Kay E. Stephensen and Mark T. Gilliland</u>, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. (Held 8/15/06 at request of Councilmember Fauver.)
- O6-O-1908 (8) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes. (Held 9/12/06 for a work session.)
- O6-R-2107 (9) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of the claim of Cynthia Mincey in the amount of \$735.85 against the City of Atlanta; and for other purposes. (Held 9/26/06 at request of Councilmember Sheperd for further review.)
- O6-R-2344 (10) Claim of <u>Warren Brownlee</u>, for property damages alleged to have been sustained from broken utility boxes caused during a sidewalk installation project in October 2005 at 30 Cleveland Avenue, SE. (Held 10/31/06 at the request of Councilmember Sheperd.)

Public Safety and Legal Administration Committee Minutes November 14, 2006 Page Eleven

There being no further business to come before the Committee, the meeting was adjourned at 4:02 p.m.

Respectfully Submitted:

Fredrieca Cooper Legislative Assistant

Bernard Thomas

Research and Policy Analyst

The Honorable Cleta Winslow, Chair

Public Safety and Legal Administration Committee